THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.15805 of 2007

Dated: 30-07-2007

Between:

Madireddi Mangayamma.

..... PETITIONER

AND

The District Collector, East Godavari District, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.15805 of 2007

ORDER:

The petitioner's husband - late Tatayya was granted lease in respect of land admeasuring Ac.0.44 in survey No.668 and Ac.0.50 in survey No.744 (subject land) situated at Peddapuram Village, by proceedings vide Ref.B4/14/78 dated 20.07.1979. Her husband died on 20.02.2005 and even before that some of the neighbouring landowners allegedly damaged the crops raised in subject land. She, therefore, made a representation to third respondent seeking assignment and the matter is pending. When there was again interference on 13.06.2007, she made a complaint to fourth respondent and also a representation to first respondent on 14.06.2007 requesting necessary protection. In response thereto, first respondent got an enquiry conducted and issued a letter dated 07.07.2007 informing second respondent that there is no necessity to give protection to the petitioner as she is in occupation of canal poramboke and there is an objection from the neighbouring owners. Aggrieved by the same, instant writ petition is filed.

The learned counsel for the petitioner submits that the existing canal is in no way occupied or used by the petitioner and that under BSO 15(a) of the Andhra Pradesh Board of Revenue Standing Orders, petitioner's husband was given lease after taking all factors into consideration and therefore, without notice to the petitioner, first respondent ought not to have addressed fourth respondent not to give protection to her. The submission of the learned counsel is misconceived. On 14.06.2007, the petitioner gave a complaint to fourth respondent. On the other hand, T.Sivaramakrishna and some others of Vadlamuru Village made a representation to first respondent. They alleged that the land under the occupation of the petitioner is canal poramboke, that about Acs.400.00 of land is being cultivated under the canal and that the petitioner's husband obtained lease by making false allegations. It was also alleged that Madireddy Ramana, son of the petitioner is causing objection for cultivation of the land. In such a scenario if the Police interfere with the matter and give protection to the petitioner, it is likely to aggravate the situation further. Therefore, first respondent was justified in advising fourth respondent that the petitioner's application for protection need not be considered. There is no infirmity or illegality in said action. If the petitioner has to be evicted from her land, the respondents have to follow due process of law.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

30th July, 2007
ghn